

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JEROLD ALAN HAMMANN,
Plaintiff,
v.
1-800 IDEAS INC.,
Defendant.

2:08-cv-0886-LDG-GWF

ORDER

Pending before the court are plaintiff's motion to amend/correct complaint (#83), motion for summary judgment (#124), motion for hearing (#144), and motion for consideration of new evidence (#175), and defendant's motion for summary judgment (#126). On February 8, 2011, the magistrate judge correctly ruled that Susan Parker's testimony is integral to plaintiff's claims and ordered that plaintiff be allowed to depose Parker before April 1, 2011 (#176). Under those circumstances, the court finds it incumbent to allow the parties to refile or supplement their pending motions with the benefit of the new discovery. Accordingly,

THE COURT HEREBY ORDERS that plaintiff's motion to amend/correct complaint (#83), motion for summary judgment (#124), and motion for consideration of new evidence (#175), and defendant's motion for summary judgment (#126) are DENIED without prejudice to their refiling or, upon the filing of a supplemental brief to any such motion, their reinstatement as of the date of the filing of supplemental brief. Unless otherwise scheduled by the magistrate judge, the parties shall refile their motions or supplemental briefs on or before May 16, 2011. The timing of responsive and reply briefings shall follow the local rules.

1 THE COURT FURTHER ORDERS that plaintiff's motion for hearing (#144) is DENIED
2 as moot.

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4 DATED this 29 day of March, 2011.

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Lloyd D. George
United States District Judge

